

## **RAVALLI COUNTY ORDINANCE #16**

### **ANIMAL PROTECTION SERVICES ORDINANCE**

WHEREAS, The Montana Legislature has authorized the local government subdivisions to adopt ordinances as part of its general police power; and

WHEREAS, Section 7-23-part 21, MCA, specifically authorizes the county governing body to control dogs through adoption of an ordinance;

THEREFORE, in order to promote the public health, safety and general welfare of Ravalli County, Montana and the inhabitants thereof, to control the stray dog population, to prevent dogs from running at large, and to prevent abandonment, neglect, or abuse of dogs within Ravalli County,

IT IS HEREBY RESOLVED that the following ordinance be adopted:

#### **1. GENERAL PROVISIONS & SUMMARY**

The following ordinance is an attempt to codify within one comprehensive package most of the relevant activities of animals, especially dogs, as these activities affect the citizens of Ravalli County. The ordinance intends to address the issues of animal Protection and Control now and in the future contingent upon budget restraints.

It shall be the duty of every owner of any dog or anyone having any dog in his/her possession to exercise reasonable care and to take all necessary steps and precautions to protect other people, their property and animals from injuries and/or damage which might result from his/her dog's behavior.

The ordinance is designed to protect and control dogs. The ordinance includes (1) the control of dangerous vicious dogs, dogs running at large or abandoned, sick or injured dogs and dogs that are deemed nuisances; (2) the use of confinement and quarantine as means of control and protection; (3) the protection and control of domestic dogs through the use of licensing for the purpose of identification and protection.

#### **2. DEFINITIONS**

For the purpose of this ordinance the following definitions apply:

- 2.1 **Animal:** Every non-human species, including all livestock, pets and wild animals.
- 2.2 **Animal Control Officer:** All peace officers as defined in Montana state law as well as any duly appointed employee of Ravalli County with all necessary police powers incident to providing animal protection services.
- 2.3 **At Large:** Any age dog off the premises of its owner, or the premises of another person charged with the care of the dog, and not under the immediate control of its owner or authorized agent of the owner, either by:
  - A. A leash, tether, lead or other physical control device,
  - B. Voice restraint or signal control of a person capable of controlling, subduing, or restraining the pet.
- 2.4 **Bite:** Any wound, bruise, laceration or puncture inflicted on a person or animal by the teeth of a dog.

- 2.5 **Business days:** Days that the individual business or governmental agency, as the context requires, is actually open to the public.
- 2.6 **Cat:** Any member of the feline species, which is domesticated and is kept primarily as a pet.
- 2.7 **Confined:** Having been received into the custody of the animal shelter or of any authorized agent or of any duly sworn law enforcement officer in the course of his/her duty. (MCA 7-23-102)
- 2.8 **County Animal Shelter:** Place provided by Ravalli County for the confining of pets and other animals on a temporary basis. Such shelter shall be so constructed that animals of different sizes, species and sexes be segregated, and be maintained in a safe and sanitary condition. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner. Such shelter may be either constructed and operated by Ravalli County or the County may enter into a contract with a Humane Society or other suitable person or organization for the supplying and operation of the same.
- 2.9 **Dog:** Any member of *Canis familiaris* or any other combination of *Canis familiaris* and other *canis* species, including, but not limited to, so-called wolf-dog or coyote-dog crosses, which is kept primarily as a pet.
- 2.10 **Kennel:** Any animal cage or fenced enclosure specifically designed to confine one or more pets.
  - A. **Class I Kennel:** means a home or a facility (i.e. Commercial establishment) when more than 5 dogs but no more than 20 dogs over the age of 6 months are owned, kept or maintained as pets, working dogs, are for sale, or are used for sporting or commercial purposes. Veterinary hospitals and boarding kennels are to be excluded from this definition and are not required to purchase a Class I License.
  - B. **Class II Kennels:** means a home or a facility (i.e. Commercial establishment) when more than 20 dogs over the age of 6 months are owned kept or maintained as pets, working dogs, are for sale, or used for sporting or commercial purposes. Veterinary hospitals and boarding kennels are to be excluded from this definition and are not required to purchase a Class II license.
  - C. **Boarding Kennels:** means a facility where dogs are brought for short-term boarding and animals are not owned by the kennel. Boarding facilities are required to keep accurate records of all animals entering or leaving the facility. Records to include but are not limited to, proof of current rabies vaccination on all animals at the facility. Veterinary hospitals are excluded from this definition and are not required to purchase a boarding kennel license.
- 2.11 **Leash:** Any flexible lead, including nylon leashes, cords, ropes, suitable light chains or other similar devices of suitable strength to hold an animal to which attached.
- 2.12 **Livestock:** Any animal defined by Montana statutes as livestock and includes, but is not limited to, domesticated poultry, chickens, ducks, geese, ostriches, rheas, emus, rabbits, swine, cattle, sheep, goats, llamas, alpacas, horses, bison, all species of wild game, and other animals raised for the purpose of labor, food, food products or profit. All livestock are declared to be the personal property of their owners.
- 2.13 **Livestock depredation:** The act of any dog that worries, harasses, chases, injures or kills livestock by troubling, pestering or causing the livestock anxiety by tearing, biting, snapping, or shaking.
- 2.14 **Neutered male:** Any male animal that has been rendered sterile with regard to reproductive potential.

- 2.15 **Owner:** Any person, firm or corporation, possessing, harboring, keeping or having control or custody of an animal, or any person having any financial interest, right, or ownership in the animal and also includes any person who permits an animal to remain on or about the premises occupied by that person.
- 2.16 **Pet:** Means any domesticated animal normally maintained in or near the household of its owner and whose primary purpose is companionship and not for profit, food or food production.
- 2.17 **Quarantine:** To confine an animal in strict isolation inside a building, cage, pen or other enclosure, so that contact between the confined animal and any person or any other animal is not possible.
- 2.18 **Rabies Vaccination:** The inoculation of an animal with anti-rabies vaccine and administered under the supervision of a licensed veterinarian, in accordance with the current edition of the "Compendium of Animal Rabies Control," published by the National Association of State Public Health Veterinarians, Inc.
- 2.19 **Spayed female:** Any female animal that has been rendered sterile with regard to reproductive potential.
- 2.20 **Vicious Dog:** Any dog which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term animal includes all livestock and any domestic pet (MCA 7-23-2109).
- 2.21 **Exceptions:** An animal shall not be deemed vicious if:
  - A. The animal bites, attacks or menaces:
    - 1. Anyone assaulting the owner, or
    - 2. Any person or other animal in the act of tormenting or abusing the dog or its offspring, or,
  - B. It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person, or
  - C. None of the preceding is to be construed as absolving an owner of civil or criminal liability for the acts of their animals.
- 2.22 **Wild Animal:** Any animal, which is wild by nature and is not commonly domesticated and being kept as a pet or livestock.

### **3. ANIMAL PROTECTION OFFICERS**

- 3.1 **Identification:** The Animal Control Officer is responsible for enforcing the provisions of this ordinance as well as all animal-related state laws and county ordinances and is hereby delegated the power and authority as may be required to implement and enforce this ordinance. The Ravalli County Sheriff's office will support the Animal Control Officer in the performance of his/her duties as required.
- 3.1.1 **Animal Control Officers** should successfully complete a minimum of forty hours of training in a standard training course which shall include, but not be limited to, training for animal cruelty, investigation, search and seizure, animal handling, court room demeanor, and additional training with the County Attorney's office. Animal protection officer who successfully completes such a course will be issued a certificate indicating that such person has received a certificate of completion.

### **4. LICENSING OF INDIVIDUAL DOGS**

- 4.1 **Licensing of Dogs:** Any person owning, keeping, harboring or having custody of any dog over six (6) months of age within this county must obtain a license as herein provided.

- 4.1.1 Owners shall submit to the Ravalli County Treasurer's Office or designated agent a written application for licensing, on a form, which shall include the name and address of applicant, description of the animal, the appropriate fee, and rabies certificate as issued by a licensed veterinarian.
- 4.1.2 Application for licensing must be made within thirty (30) days after obtaining a dog over six (6) months of age; this requirement will not apply to a nonresident keeping a dog within the county for not longer than sixty (60) days.
- 4.1.3 Applicants must be eighteen (18) years of age or older.
- 4.1.4 The County or designated agent shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.
- 4.2 **Term of License:** If not revoked, licenses for the keeping of pets shall be for a period of one (1) to three (3) years based on rabies certificates with the exception of senior citizen licenses.
- 4.2.1 The license period shall run for one (1) year or three (3) years depending on duration of the most recent rabies vaccination. A license application shall be made concurrent with a recent rabies vaccination.
- 4.2.2 Persons who fail to license as required within the time period specified in this Article shall be subject to a late fee of ten dollars (\$10.00). No refunds shall be given.
- 4.3 **Fee Schedule**
- |   |                                     |
|---|-------------------------------------|
| <b>Fee Schedule: 1 year license</b>       | <b>Fee Schedule: 3 year license</b> |
| Neutered/ Spayed - \$10.00                | Neutered/spayed - \$25.00           |
| Unneutered/Unspayed - 25.00               | Unneutered/Unspayed - 60.00         |
| Class I license (5 to 20 dogs)- \$125.00* | Special permanent license- \$50.00  |
| Class II license (>20 dogs)- \$200.00     |                                     |
- \*Owners of five (5) or more dogs may either license their dogs individually or purchase the appropriate Class I or Class II kennel license, whichever is less expensive.
- 4.3.1 The following animals are exempt from paying the license fee: certified seeing eye dogs, hearing dogs, governmental police dogs or other certified dogs that are trained to assist the physically handicapped.
- 4.3.2 Senior residents sixty-five (65) years of age or older may purchase a special permanent license for the lifetime of a spayed or neutered dog when said resident is the registered owner of the dog and the dog is maintained at said resident's legal address. No more than three (3) special permanent licenses for any three (3) dogs shall be issued per senior resident. Permanent license fees are \$50.00 per dog.
- 4.3.3 Notwithstanding the above exemptions and special licensing fees, owners must renew their dog's license upon completion of each licensing period and present proof of a current rabies vaccination at each renewal for the life of that animal.
- 4.4 **Proof of Licensing:** Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number. Tags shall be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

- 4.4.1 Dogs must wear identification tags or collars at all times when off the premises of the owners; with the exception of working or hunting dogs when their safety is compromised. Owners of such animals are responsible for control of these animals and/or alternative identification and will be subject to licensing code violations.
- 4.5 **Penalty for Failure to License.** Failure to license a dog in violation of this ordinance shall constitute a misdemeanor. Any person violating any of the provisions of this section of this ordinance, shall, for the first offense, provide the court with proof of licensing. Upon proof, citation for first offense will be dismissed. For a second offense relating to the same dog a fine shall be assessed of not more than fifty (\$50.00) dollars. Three (3) or more offenses under this section of this ordinance shall be punished by a fine not exceeding one hundred dollars (\$100.00).

## **5. IMPOUNDMENT**

- 5.1 **Power to Impound:** The Animal Control Officer shall have the authority to impound any of the following in a designated facility:
  - A. Any dog running at large, contrary to the provisions of this ordinance, licensed or not licensed;
  - B. Any vicious/dangerous dog found to be in violation, as stated in this ordinance.
- 5.1.1 If an animal is impounded, the animal shall be taken to the Animal Control Services or designated facility. Animal Control Services staff shall keep a complete register of every pet confined, showing the time and place of capture, species, breed, color, sex, and distinguishing marks, and, if licensed, the number of the license and the name and address of the owner. Males will be confined separately from the females, and, if at all possible, animals will be kept in separate kennels, with the exceptions of altered animals, females with litters and puppies under the age of six (6) months.
- 5.2 **Conclusive Presumption of Abandonment:** Impoundment of any animal for greater than five business days (excluding weekends and holidays) shall conclusively establish legal abandonment of that pet by the owner and an Animal Control Officer or other authorized person may transfer ownership of that pet or take other measures inconsistent with any property rights of the owner, including but not limited to spaying or neutering the animal, without compensation to the owner.
  - 5.2.1 If such impounded animal has a current license or other kind of identification, the Animal Control Officer will attempt by at least three (3) telephone calls to contact the owner. If the animal carries a designation as an aid to the auditory or visually impaired, together with a telephone number or address of the owner, an Animal Control Officer will make every attempt to immediately return the animal to its owner.
- 5.3 **Redemption of Impounded Pets:** The owner or temporary owner/custodian of any confined pet may redeem the pet by paying the assessed fee, plus any kennel fees set forth by the animal shelter. A dog may not be released to its owner or temporary owner/custodian until the following fee is paid as applicable:

### **Impound Fees**

- 1<sup>st</sup> Confinement \$ 10.00
- 2<sup>nd</sup> Confinement \$ 20.00
- 3<sup>rd</sup> Confinement \$ 40.00
- 4<sup>th</sup> Confinement \$ 80.00
- 5<sup>th</sup> Confinement \$100.00

- 5.3.1 Any confined dog without a license may be released only after the owner or temporary owner/custodian has licensed the dog in addition to paying the other fees as described in this section.
- 5.3.2 The Animal Control Officer may issue citations to the person redeeming the dog for violation of any provision of this chapter and may file complaint in Ravalli County Justice Court
- 5.3.3 Upon third and subsequent impoundment of an unaltered pet, owners or temporary owner custodians shall be subject to, in addition to the above redemption fees, a penalty of \$150.00 per confinement, unless the owner consents to spaying or neutering of the pet, at the owner's expense, prior to redemption.
- 5.4 **Adoption of Impounded Animals:** The Animal Control Officer shall offer to the public any abandoned pet for adoption.
  - 5.4.1 Prior to the adoption of any pet, the prospective owner shall complete an animal placement questionnaire designed to determine the prospective owner's ability to care properly for the animal. The Animal Control Services staff has the right to refuse the adoption of a pet to anyone.
  - 5.4.2 Before the pet can be released for adoption, the prospective owner must:
    - A. Execute an adoption contract;
    - B. Enroll the pet as provided for in Article 5; and
    - C. Pay the appropriate adoption fee
  - 5.4.3 After paying all necessary fees, signing the adoption contract, and procuring an license for the animal, the adoptive owner shall receive a Certificate of Adoption, which confers title and ownership to that animal, free of all claims and interest of the previous owner.
  - 5.4.4 All dogs adopted from the Animal Control Services or designated facility must be spayed or neutered within thirty (30) days of the adoption or, if less than 6 months of age, when they reach 6 months of age. Animals not in compliance may be reclaimed by the impounding authority or the Animal Control Officer.
  - 5.4.5 No dog suffering from an infectious disease will be offered for adoption or released from the animal care facility unless the County Health Officer shall so order.
  - 5.4.6 No dog shall be released for adoption to any school, college, university, person, firm, association, laboratory or corporation for experimentation or vivisection purposes, or to any person providing, selling, or supplying dogs and cats and other animals to any school, college, university, person, firm, association, laboratory or corporation for experimentation or vivisection purposes.
- 5.5 **Euthanasia:** If after five (5) business days (excluding weekends and holidays) an animal is not returned to its legal owner or eligible for adoption as provided in the previous section, or transferred to an approved humane society or animal welfare organization, it may be euthanized in a humane manner by an Animal Control Officer with the assistance of a licensed veterinarian or other professional approved by state law.

## **6. HUMANE TREATMENT OF ANIMALS**

- 6.1 **Dogs at Large:** An Animal Control Officer, upon finding a dog running at large, may return a licensed dog to its owner instead of confining it. A dog found running at large and not licensed may be subject to immediate confinement. (MCA 7-23-2108) The owner of a dog found at large may be cited for a misdemeanor offense.
- 6.2 **Vaccination Required:** It shall be a misdemeanor to keep, harbor, or maintain any dog over the age of four (4) months without a current rabies vaccination for such animal. All dogs must be re-vaccinated within one (1) year, then every three (3) years thereafter.
  - 6.2.1 This provision shall not apply to licensed veterinarian clinics, grooming parlors, pet stores, and Humane Society or County animal shelter.

## **7. HUMANE TREATMENT OF ANIMALS – CRUELTY**

- 7.1 Persons knowingly or negligently cruel to animals are in violation of the State cruelty law (MCA 45-8-211). The animal control officer will be responsible for enforcing the provisions of this State law. Fines for infraction of this law are subject to State authority.

## **8. VICIOUS DOGS**

- 8.1 It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Ravalli County unless said dog is:

- A. Securely and adequately confined upon the property of the owner or other person having charge, care, or control of such dog so as not to injure any person or damage any property, or be a hazard to public health and safety,
- B. Under proper restraint and leashed on a line not to exceed six (6) feet in length, properly muzzled, and under the immediate control of a person of suitable age and discretion to control, subdue, and/or restrain such dog while off the premises of the dog's owner or agent.

8.1.1 If any vicious dog is not being effectively controlled as provided for in parts 8.1.A and 8.1.B, the Animal Control Officer or agent may impound, restrain, control, quarantine or, if the animal is an immediate threat to the health and safety of the Officer or another person or domestic animal, kill the dog.

8.1.2 If any dog bites any person in Ravalli County, such animal bite incident shall be reported immediately to an Animal Control Officer or agent by such person, his/her parent or guardian. The Animal Control Officer may issue an order requiring the owner of said dog to surrender the dog to a designated animal protection facility for quarantine within twenty-four (24) hours (see section 9.3). If the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion, or by placing the order in a prominent place at the front door of such a residence. A biting dog whose owner is unknown and that is running at large shall be seized and impounded for the purpose of quarantine. It is unlawful for any person to refuse or neglect to surrender any dog involved in a bite investigation within the time period specified in this section.

8.1.3 A police service dog that bites any person during the lawful performance of its duties shall not be considered vicious and shall not be subject to quarantine.

8.1.4 The owner or agent of a dog in violation of this ordinance shall be charged with a misdemeanor punishable by a fine not to exceed \$500, imprisonment in the Ravalli County jail for a period not to exceed six (6) months, or both.

- 8.2 **Dogs Attacking Livestock:** Any dog that harasses injures, or destroys livestock is in violation of Montana state law (MCA 81-7-401), which provides such a dog may be killed immediately by the livestock owner, his agent or employee. The owner of such a dog is guilty of a misdemeanor and upon conviction shall be fined not more than \$500. The animal control officer will be responsible for enforcement of MCA 81-7-401. Any fines, fees or penalties from an infraction of this law are subject to State authority.
- 8.3 **Owner liability:** The dog owner is liable for all damaged caused by said dog harassing, wounding, injuring or killing livestock (MCA 81-7-402). The animal control officer will be responsible for enforcement of this State law. Any fines, fees or penalties from an infraction of this law are subject to State authority.

## **9. RABIES CONTROL**

- 9.1 It is unlawful for any person to keep, harbor, maintain, sell, adopt out, or give away any dog over four months of age unless such animal has been vaccinated against rabies virus by a licensed veterinarian. Dogs must be re-vaccinated thereafter in accordance with the current edition of the "Compendium of Animal Rabies Control", which requires a booster vaccination one year after the initial vaccination and every three years thereafter. This provision shall not apply to veterinary clinics and grooming parlors. County animal shelters need not vaccinate for rabies while an animal is under their care but they may not sell, adopt out, or give away an unvaccinated animal except as provided below:
- A. Animal shelters may sell a rabies vaccination deposit certificate equivalent to the average cost of a rabies vaccination to the adoptive owner of an unvaccinated dog. The adoptive owner shall redeem said certificate with a licensed veterinarian for rabies vaccination within 10 days of adoption or, if the dog is under 4 months of age, by the age of 4 months.
  - B. The issuing animal shelter must redeem the cost of the face value of the certificate to the veterinarian within 30 days of receiving an invoice from the veterinarian for vaccination services rendered.
- 9.2 **Record Keeping** Record of rabies vaccinations shall be kept by all licensed veterinarians administering the rabies vaccines and the Health Officer or agent may require the reporting of such records.
- 9.3 **Dog Bites:** The Animal Control Officer or staff shall determine the rabies vaccination status of any dog involved in a bite incident. A valid complaint may be signed by the bite victim, his/her parent or guardian, and an investigation may be conducted if deemed warranted by the Animal Control Officer.
- 9.3.1 Healthy, biting dogs without proof of current rabies vaccination shall be impounded and quarantined for a period of ten (10) days from the date of the bite incident. Dogs that remain healthy during this period must be vaccinated within twenty-four (24) hours of release or be subject to impoundment by an Animal Control Officer. Dogs that develop any sign(s) of illness during the quarantine period are subject to an immediate, on-site examination by a licensed veterinarian at the owner's expense. Dogs displaying clinical signs of rabies infection and dogs that die for any reason during the quarantine period shall be tested for rabies by the state veterinary diagnostic laboratory, which requires submission of fresh brain tissue.
  - 9.3.2 Healthy biting dogs with proof of current rabies vaccination are not subject to impoundment for quarantine but shall be confined at home and observed for clinical signs of illness daily for ten (10) days.
  - 9.3.3 No immunizations for rabies can be given during the quarantine period.
  - 9.3.4 Unvaccinated dogs exposed to a rabid animal should be euthanized immediately. If the owner is unwilling to have this done, the animal should be placed in strict isolation for 6 months and



vaccinated 1 month before being released, as recommended in the Compendium of Animal Rabies Prevention and Control, 2006.


#### 10. PENALTIES

- 10.1 **General Penalties:** Except as otherwise provided herein, violation of any section of this ordinance shall constitute a misdemeanor punishable by imprisonment in the Ravalli County Jail for a period of time not exceeding six (6) months or a minimum fine of \$50 (fifty dollars) not to exceed a maximum fine of \$500, or both.

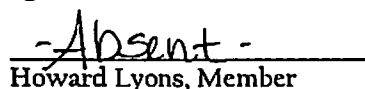
#### 11. MISCELLANEOUS PROVISIONS

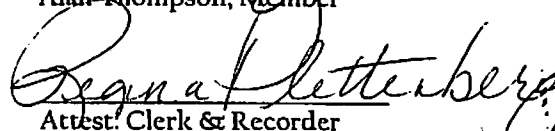
- 11.1 **Severability:** If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.
- 11.2 **Applicable Date:** This ordinance shall be in full force incrementally based on available funds and determined by the County Commissioners after reports received from the Animal Protection and Control Board.
- 11.3 **Disposition of Funds:** All fines, fees, or funds in general derived from the enforcement of this ordinance shall be paid into the County Treasury and designated as Ravalli County Animal Protection fund. This does not include fines paid to Ravalli County Justice Court for violation of MCA 45-8-211, 81-7-401 and 81-7-402.

APPROVED AND INITIALLY ADOPTED AT FIRST READING THIS 11<sup>TH</sup> DAY OF JANUARY, 2007.

  
Greg Chilcott, Chairman

  
Alan Thompson, Member


  
Howard Lyons, Member

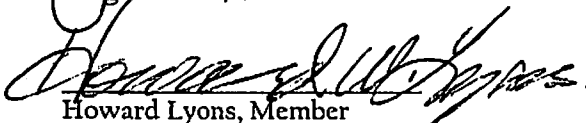
  
Attest: Clerk & Recorder

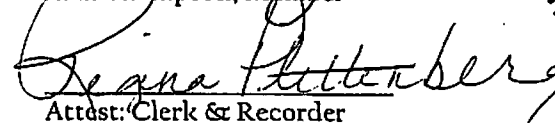


APPROVED AND FINALLY ADOPTED AT SECOND READING THIS 29<sup>TH</sup> DAY OF  
JANUARY, 2007.

  
Greg Chilcott, Chairman

  
Alan Thompson, Member

  
Howard Lyons, Member

  
Attest: Clerk & Recorder

